

AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2045**

**Introduced by Assembly Member Matthews**

February 15, 2002

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An act to ~~add Section 4200.05 to~~ amend Section 4306.5 of the Business and Professions Code, relating to pharmacists.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Matthews. Pharmacists: ~~licensure examination~~ disciplinary actions.

Existing law, the Pharmacy Law, ~~requires that an applicant for licensure as a pharmacist successfully complete a written and practical examination given by the California State Board of Pharmacy~~ makes a pharmacist subject to disciplinary action by the California State Board of Pharmacy for the commission of unprofessional conduct. Under that law, unprofessional conduct may include an act or omission that arises in the course of the pharmacist's practice or in his or her ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

This bill would ~~require the board, prior to January 1, 2005, to make its written examination for licensure as a pharmacist available in a form that can be completed on a computer and to offer the examination in this form on a monthly basis at multiple locations~~ specify that a pharmacist is not subject to disciplinary action by the board in the course of his or her ownership, management, administration, or operation of a pharmacy or other entity licensed by the board, if the action is based

*solely on an act of unprofessional conduct committed by another pharmacist.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 4200.05 is added to the Business and~~  
2     ~~SECTION 1. Section 4306.5 of the Business and Professions~~  
3     ~~Code is amended to read:~~  
4     4306.5. (a) Unprofessional conduct for a pharmacist may  
5     include acts or omissions that involve, in whole or in part, the  
6     exercise of his or her education, training, or experience as a  
7     pharmacist, whether or not the act or omission arises in the course  
8     of the practice of pharmacy or the ownership, management,  
9     administration, or operation of a pharmacy or other entity licensed  
10    by the board.  
11    (b) *Notwithstanding subdivision (a), no disciplinary action*  
12    *shall be taken against a pharmacist in the course of his or her*  
13    *ownership, management, administration, or operation of a*  
14    *pharmacy or other entity licensed by the board, if the action is*  
15    *based solely on an act of unprofessional conduct committed by*  
16    *another pharmacist.*  
17    ~~Professions Code, to read:~~  
18    ~~4200.05. The board shall make its written examination~~  
19    ~~required by Section 4200 available in a form that can be completed~~  
20    ~~on a computer and shall offer the examination in this form at least~~  
21    ~~one time each month at multiple locations in this state where a~~  
22    ~~qualified proctor is present. The board shall comply with this~~  
23    ~~requirement no later than January 1, 2005.~~